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Sri A. GOVINDASAMY : அந்த அறிக்கை எப்போது வரும் ?

Mr. SPEAKER : The hon. Member will get it in course of time. Questions are over.

[*Note.*—**An asterisk (*) at the commencement of a speech indicates revision by the Member.**]

II.—ANNOUNCEMENT BY THE HON. SPEAKER *RE* THE MADRAS CITY IMPROVEMENT TRUST (AMENDMENT) BILL, 1958.

Mr. SPEAKER : I have to announce that the Madras City Improvement Trust (Amendment) Bill, 1958 (L.A. Bill No. 20 of 1958) has been passed by the Legislative Council on the 9th September 1958 without any amendment.

III.—ADJOURNMENT MOTION *RE* COLLECTION OF WATER CESS IN THE LOWER BHAVANI AREA.

Mr. SPEAKER : I have received notice of an adjournment motion from the hon. Member Sri K. R. Nallasivam regarding illegal attachment of properties in the Lower Bhavani area towards arrears of water-cess and penal rates thereof. This matter is not a new one. It is not an urgent matter either. It is a matter for which there are legal remedies. Certain dues are collected from the ryots, and if the dues are collected illegally, there are other remedies for it. This House cannot be the forum for discussing this matter. Further, a non-official resolution on the subject is going to be discussed here within an hour. I do not therefore, give permission to this adjournment motion.

(Sri K. R. Nallasivam rose.)

Mr. SPEAKER : I have ruled the adjournment motion out of order.

Sri K. R. NALLASIVAM : I rise on a point of order, Sir.

அதாவது கீழ் பவானி சம்பந்தமாக நடந்துகொண்டிருக்கக்கூடிய விஷயங்களையோ, அங்கே வசூலிக்கப்படுகிற தண்டத் தீர்வை பற்றியோ நான் இந்தப் பிரேரணையைக் கொண்டுவரவில்லை. அங்கே சட்டத்திற்கு விரோதமான முறையில் தீர்வைகள் வசூலிக்கப்படுகின்றன என்பதைப் பற்றி . . .

Mr. SPEAKER : சட்டத்திற்கு விரோதமாக நடக்கிற காரியங்களுக்கு வேறு இடத்தில் பரிகாரம் தேடிக் கொள்ளலாம்.

The Hon. Sri M. BHAKTAVATSALAM : சட்ட விரோதமாக நடக்கிற காரியங்கள் என்றால் குறிப்பிட்டுச் சொல்ல வேண்டும்.

Mr. SPEAKER : There is no discussion now. I have ruled the adjournment motion out of order.

IV.—SERVICE OF SUMMONS ON A MEMBER THROUGH THE HON. SPEAKER.

Mr. SPEAKER : I have to bring to the notice of the Government a very important subject which may constitute a breach of privilege. The Secretary, Legislature Department, has handed over to me a summons sent to me by the Collector of Salem to be handed over to a particular Member in this House. This, I must tell the Government will constitute a very serious breach of privilege.

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The service of a subpoenea to attend as a witness has been treated even in the Houses of Parliament as a breach of privilege, and the parties responsible have been committed to the Serjeant for contempt. I shall not go so far. In 1945 a summons was served on an Officer of the House of Commons within the precincts of the House, and the Speaker brought the matter to the notice of the House. The Leader of the House moved a motion that the matter be referred to the Privileges Committee. The Privileges Committee submitted its report and in that it had held that service of summons within the precincts was a breach of privilege.

On the 14th March 1955, the Speaker of the Madras Assembly referred *suo motu* to the Committee of Privileges the question of the construction that should be put on the expression 'precincts of the House ' as regards the Legislative Assembly. In referring the question the Speaker stated that, as certain instances had come to his notice where a Magistrate had, in one case, issued a bailable warrant against a Member of the Assembly when the Assembly was actually in session and another case a constable had tried to serve a summons on a Member within the Assembly buildings when the House was actually sitting, and as there was a chance of legal process being served within the precincts of the House when the House was actually sitting, which would certainly be a breach of privilege of the House, it was necessary to define the extent of the precincts.

Similarly in 1957, the Speaker of the Mysore Legislative Assembly stated that he had received a summons from a Munsif to be served on a Member and ruled that it would be a breach of privilege to serve summons within the precincts of the House, and requested the Leader of the House to issue instructions to the Magistrate not to send summons to the Speaker or to the Secretary to be served on Members when the House was sitting.

In 1953, the Government of India brought to the notice of the Government of Madras that the service of summons within the precincts is a breach of privilege, and a copy of the same was received in the Legislature Department. The Government of Madras issued an order in G.O. Ms. No. 1600, Home, dated 15th March 1953 that summons should not be served within the precincts of the House.

Considering all these it cannot be denied that to request the Speaker to serve a summons on a member when the House is in session would constitute a breach of privilege. Perhaps the officer concerned is not aware of this. So I shall not take action against him. But I would request the Government to see that such things do not recur and to impress upon the Collector or whoever is responsible not to ask the Secretary to the Legislature Department or the Speaker to serve a summons on a member when the House is in session. If any summons is to be served on a member, the concerned officers should make their own arrangements without resorting to the Speaker or the Secretary, Legislature Department.

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SRI K. VINAYAKAM : I rise on a point of information, Sir.

MR. SPEAKER : There can be no point of information.

THE HON. SRI M. BHAKTAVATSALAM : Sir, the Government will look into this matter and issue instructions to the officers.

(Sri K. Vinayakam rose.)

MR. SPEAKER : There can be no comment on the Speaker's statement.

SRI V. K. RAMASWAMY MUDALIYAR : Sir, even in the previous Assembly there were similar instances and the Hon. the Leader of the House assured the Speaker that he would issue definite instructions to the departments. But in spite of this, this has happened.

MR. SPEAKER : I am not prepared to enter into a discussion on the merits of the case. There may be lapses on the part of some officers. I will not go into this question, and there is no necessity for any point of information or debate.

SRI K. VINAYAKAM : Sir, a summons was served on me three days back at my residence. Now the House is in session. Is it right on the serving authority to send a summons to me?

MR. SPEAKER : The hon. Member will raise this question separately in my room. This is with regard to a notice issued to the Speaker to serve a summons on a particular Member in the House. I am not concerned if a summons is served on Sri Vinayakam in his house. He has got legal remedies.

V.—NON-OFFICIAL BUSINESS.

A. BILL.

THE MADRAS ESTATES (ABOLITION AND CONVERSION INTO RYOTWARI) (AMENDMENT) BILL, 1958.

SRI R. SRINIVASA IYER : Sir, I beg leave to introduce the Madras Estates (Abolition and Conversion into Ryotwari) (Amendment) Bill, 1958.

The motion was duly seconded.

MR. SPEAKER : The question is—

"That leave be granted for the introduction of the Madras Estates (Abolition and Conversion into Ryotwari) (Amendment) Bill, 1958 ".

The motion was put and carried.

SRI R. SRINIVASA IYER, Sir, I introduce the Bill.

MR. SPEAKER : The Bill is introduced.